

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

RAYMOND MAXWELL UPCHURCH,

Plaintiff,

v.

**MULTNOMAH UNIVERSITY, CURT J.
BICKLEY, an individual, and JAKE
COBURN, an individual,**

Defendants.

Case No. 3:19-cv-0850-AC

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION**

Michael H. Simon, District Judge.

U.S. Magistrate Judge John Acosta issued Findings and Recommendation in this case on June 30, 2020. ECF 34. Judge Acosta recommended that the Court grant Defendant Jake Coburn’s Motion to Dismiss (ECF 15) with leave to amend. No party has filed an objection.

Under the Federal Magistrates Act (“Act”), the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.

§ 636(b)(1). If a party files an objection to a magistrate judge’s findings and recommendations,

“the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Magistrate Judge Acosta’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court **ADOPTS** Magistrate Judge Acosta’s Findings and Recommendation, ECF 34. Defendant Coburn’s Motion to Dismiss (ECF 15) is GRANTED with leave to amend. If Plaintiff wishes to amend his Complaint, he must do so on or before July 31, 2020.

IT IS SO ORDERED.

DATED this 15th day of July, 2020.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge